

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ADVANCEME, INC.,

Plaintiff,

V.

RAPIDPAY LLC, FIRST FUNDS LLC,  
MERCHANT MONEY TREE, INC.,  
REACH FINANCIAL, LLC, and FAST  
TRANSACT, INC. d/b/a SIMPLE CASH,

### Defendants.

**ADVANCEME, INC.,**

**Plaintiff,**

5

## AMERIMERCHANT, LLC,

**Defendant.**

**CASE NO. 6:05-CV-424 (LED – JDL)**

FILED UNDER SEAL

**CASE NO. 6:06-CV-082 (LED - JDL)**

## JURY TRIAL DEMANDED

**PLAINTIFF ADVANCEME, INC.'S MOTION FOR LEAVE  
TO FILE UNDER SEAL THE DECLARATION OF ROBERT C. MATZ AND  
ITS MEMORANDUM IN SUPPORT OF MOTION TO COMPEL DEFENDANTS  
MERCHANT MONEY TREE, INC., REACH FINANCIAL, LLC, FIRST FUNDS, LLC  
AND AMERIMERCHANT LLC TO PROVIDE FURTHER RESPONSES TO  
ADVANCEME, INC.'S FIRST SET OF INTERROGATORIES OR, IN THE  
ALTERNATIVE, TO AMEND THIS COURT'S DISCOVERY ORDER**

Plaintiff AdvanceMe, Inc. respectfully moves, pursuant to Local Rule CV-5(c), for permission to file its Motion To Compel Defendants Merchant Money Tree, Inc., Reach Financial, LLC, First funds, LLC and AmeriMerchant LLC To Provide Further Responses To

ADVANCEME'S MOTION TO COMPEL DEFENDANTS.<sup>1</sup>  
FURTHER RESPONSES TO FIRST SET OF  
INTERROGATORIES OR TO AMEND DISCOVERY ORDER

AdvanceMe, Inc.'s First Set of Interrogatories, Or, In The Alternative, To Amend This Court's  
Discover Order to be filed under seal.

An Order is attached for the Court's convenience.

DATED: November 13, 2006 Respectfully submitted,

/s/

Ronald S. Lemieux, Bar No. 120822, Admitted *pro hac vice*  
Michael N. Edelman, Bar No. 180948, Admitted *pro hac vice*  
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Attorneys for Plaintiff ADVANCEME, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system pursuant to Fed.R.Civ.P. 5(d) and Local Rule 5(c) on this the 13th day of November, 2006. Any other counsel of record will be served by first class mail on this same date.

/s/

Rose Jones-Shine

**CERTIFICATE OF AUTHORIZATION TO SEAL**

Pursuant to Local Rule CV-5(c), the undersigned counsel hereby certifies that authorization for filing under seal has been previously granted by the Court in the Stipulated Protective Order, executed on July 27, 2006 and entered in this case on July 28, 2006 (Document #84).

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that counsel for plaintiff AdvanceMe, Inc. has conferred with counsel for Defendants Merchant Money Tree, Inc., First Funds, LLC, Reach Financial, LLC, and AmeriMerchant, LLC in a good faith attempt to resolve the matter of this motion without Court intervention but was unable to reach any agreement. Defendants oppose this motion.

/s/

Ronald S. Lemieux

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